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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,582	09/27/2004	Scott J. Butler	04-1-776	5581
24252	7590	08/25/2005	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/711,582	Applicant(s) BUTLER ET AL.	
	Examiner Thuy V. Tran	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicants' filing on 09/27/2004. In virtue of this filing, claims 1-7 are currently presented in the instant application.

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/27/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings received on 09/27/2004 are accepted.

Claim Objections/ Minor Informalities

4. Claims 2 and 6 are objected to because of the following informalities:

Claim 2, line 2, "the" should be changed to --a--; and

Claim 6, line 7, "the" should be changed to --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the recitation “a translucent body formed from a high temperature material ... the high temperature material” in lines 2-8 renders the claim indefinite since it is not clear whether or not the translucent body and the starting aid are formed of the same high temperature material. Clarification is required.

With respect to claim 2, the recitation “wherein the high temperature material is alumina” in lines 1-2 renders the claim indefinite since it is not clear whether or not this high temperature material is of the translucent body or the starting aid. Clarification is required.

Claims 2-5 are also rejected under 35 U.S.C. 112, second paragraph, since they are dependent on claim 1.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sivaraman et al. (U.S. Patent No. 6,563,265).

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With respect to claim 1, as to the best interpretation, Sivaraman et al. discloses, in Fig. 1, an arc tube for a high intensity discharge lamp comprising (1) a translucent body [22] (see col. 1, lines 15-18) formed from a high temperature material (see col. 3, lines 19-43) and defining a discharge space and including spaced-apart electrodes [14, 16] (see Fig. 1), (2) an arc generating and sustaining medium within said discharge space (see col. 2, lines 42-51), and (3) a starting aid [24] contained within said discharge space [22]; said starting aid comprising an electrically conductive stripe (see col. 3, lines 7-9) formed from a mixture of an electrically conductive material (see col. 4, lines 33-41) and the high temperature material (see col. 2, lines 20-23).

With respect to claim 2, Sivaraman et al. discloses that the high temperature material is alumina and said starting aid is comprised of a cermet selected from a group consisting of tungsten and alumina and molybdenum and alumina (which is alumina; see col. 3, line 23).

With respect to claim 3, Sivaraman et al. discloses, in Fig. 1, that the translucent body is cylindrical.

With respect to claim 4, Sivaraman et al. discloses, in Fig. 1, that the ceramic material is alumina (see col. 3, line 23).

With respect to claim 6, Sivaraman et al. discloses, in Fig. 1, an arc tube for a high intensity discharge lamp comprising (1) a translucent body [22] (see col. 1, lines 15-18) formed from a high temperature material (see col. 3, lines 19-43) and defining a discharge space and including spaced-apart electrodes [14, 16] (see Fig. 1), (2) an arc generating and sustaining medium within said discharge space (see col. 2, lines 42-51), and (3) a starting aid [24] contained within said discharge space [22]; said starting aid comprising an electrically conductive stripe

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(see col. 3, lines 7-9) of a cermet selected from a group consisting of tungsten and alumina and molybdenum and alumina (which is alumina; see col. 3, line 23).

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al. (U.S. Patent No. 6,538,377).

With respect to claim 1, as to the best interpretation, Scott et al. discloses, in Fig. 1, an arc tube for a high intensity discharge lamp comprising (1) a translucent body [22] (see col. 1, lines 15-18) formed from a high temperature material (see col. 3, lines 3-28) and defining a discharge space and including spaced-apart electrodes [14, 16] (see Fig. 1), (2) an arc generating and sustaining medium within said discharge space (see col. 2, lines 34-37), and (3) a starting aid [24/25] contained within said discharge space [22]; said starting aid comprising an electrically conductive stripe (see col. 2, line 67 – col. 3, line 2) formed from a mixture of an electrically conductive material and the high temperature material (see col. 3, line 34 – col. 4, line 10).

With respect to claim 2, Scott et al. discloses that the high temperature material is alumina and said starting aid is comprised of a cermet selected from a group consisting of tungsten and alumina and molybdenum and alumina (see col. 3, line 5 – col. 4, line 10).

With respect to claim 3, Fig. 1 of Scott et al. shows that the translucent body is cylindrical.

With respect to claim 4, Scott et al. discloses, in Fig. 1, that the ceramic material is alumina (see col. 3, line 7).

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With respect to claim 5, Scott et al. discloses that said starting aid is a cermet of tungsten and alumina and contains about 60 volume % tungsten and about 40 volume % alumina (see col. 3, line 63 – col. 4, line 10).

With respect to claim 6, Scott et al. discloses, in Fig. 1, an arc tube for a high intensity discharge lamp comprising (1) a translucent body [22] (see col. 1, lines 15-18) formed from a high temperature material (see col. 3, lines 3-28) and defining a discharge space and including spaced-apart electrodes [14, 16] (see Fig. 1), (2) an arc generating and sustaining medium within said discharge space (see col. 2, lines 34-37), and (3) a starting aid [24/25] contained within said discharge space [22]; said starting aid comprising an electrically conductive stripe (see col. 2, line 67 – col. 3, line 2) of a cermet selected from a group consisting of tungsten and alumina and molybdenum and alumina (see col. 3, line 63 – col. 4, line 10).

With respect to claim 7, Scott et al. discloses that said starting aid is a cermet of tungsten and alumina and contains about 60 volume % tungsten and about 40 volume % alumina (see col. 3, line 63 – col. 4, line 10).

Citation of relevant prior art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Renardus et al. (U.S. Patent No. 5,541,480) discloses a high-pressure discharge lamp with metal layer on outer surface.

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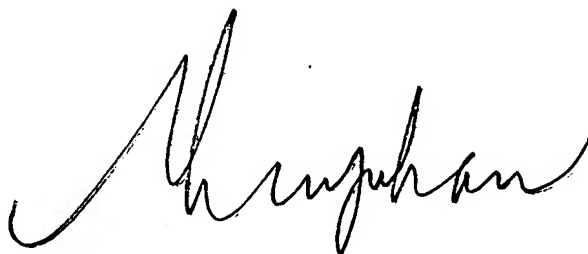
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/23/2005

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', with a stylized, cursive script.

**THUY V. TRAN
PRIMARY EXAMINER**